

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 00-177(2) (DSD)

United States of America,

Plaintiff,

v.

**ORDER**

Ennis Orlando Fitzgerald,

Defendant.

This matter is before the court upon the report and recommendation of Magistrate Judge Janie S. Mayeron, dated August 18, 2006. Upon consent of the parties, this revocation matter was referred to the magistrate judge pursuant to 28 U.S.C. § 636(b). At the hearing before the magistrate judge, defendant waived his right for a final revocation hearing. See Fed. R. Cr. P. 32.1. In accordance with 18 U.S.C. § 3401(i), the magistrate judge issued findings of facts based upon defendant's admission that he violated the conditions of his supervised release, and recommended that pursuant to 18 U.S.C. § 3583(e) defendant's term of supervised release be revoked.

Upon a de novo review of the magistrate judge's report and recommendation, 28 U.S.C. § 636(b)(1)(C), the court finds that the recommended disposition is well reasoned in light of defendant's admission to the violations charged and the factors set forth at 18

U.S.C. § 3553(a). See 18 U.S.C. § 3583(e), (h). Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant's supervised release is revoked and he is committed to the custody of the United States Bureau of Prisons for incarceration for a period of four months.

2. Defendant shall be required to serve a term of supervised release to run until the original expiration date of September 22, 2008, subject to all conditions of the originally imposed term of supervised release, except that defendant shall not be required to complete 25 hours of community service or the relapse prevention group program at Resource Recovery Center.

Dated: August 21, 2006

s/David S. Doty  
David S. Doty, Judge  
United States District Court